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20 LENDINGTREE, LLC

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA
23 SANTA ANA DIVISION

24 MARVIN GARCIA, on behalf of himself
25 and all others similarly situated,

26 Plaintiff,

27 vs.

28 LENDINGTREE, LLC, NEWPORT
LENDING GROUP, INC., SAGE
CREDIT CO., HOME LOAN
CONSULTANTS, INC., CHAPMAN
CAPITAL, INC., and SOUTHERN
CALIFORNIA MARKETING CORP.,

Defendants.

Case No. SACV08-00841 CJC (ANx)

Related Cases Nos.

SACV08-00756 CJC (ANx)
SACV08-00660 CJC (ANx)
SACV08-00755 CJC (RNBx)

**DEFENDANT LENDINGTREE,
LLC'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION
TO DISMISS FOR IMPROPER
VENUE**

[Rule 12(b)(3)]

Date: November 3, 2008

Time: 1:30 p.m.

Place: Courtroom 9B

The Honorable Cormac J. Carney

Defendant LendingTree, LLC (“LendingTree”), hereby respectfully requests that the Court, pursuant to Rule 201 of the Federal Rules of Evidence (“FRE”), take judicial notice of the following:

1. Exhibit "1" is a true and correct copy of the transcript of the August 21, 2008 Hearing on the Motion to Dismiss Under Rule 12(b)(6) filed by Lending in Spinozzi v. LendingTree, LLC et al, in the United States District Court for the Western District of North Carolina, Civil Case No. 3:08-229.

2. Exhibit "2" is a true and correct copy of the civil docket for the Spinozzi matter that reflects, on August 21, 2008, a "TEXT-ONLY ORDER" denying LendingTree's Motion to Dismiss and granting LendingTree's motion to compel arbitration.

3. Exhibit "3" is a true and correct copy of the Limited Liability Company Annual Report for Year 2008 filed by LendingTree with the North Carolina Secretary of State and available at:

<http://www.secretary.state.nc.us/corporations/Corp.aspx?PitemId=7314197>

Judicial notice of these documents and facts is appropriate because this Court has been supplied with the documents or information necessary to allow this Court to determine their accuracy, and these matters are generally known and capable of further determination by resort to sources whose accuracy cannot reasonably be questioned. FRE 201(b), (d).

DATED: September 12, 2008

REED SMITH LLP

By /s/ Felicia Y. Yu
Felicia Y. Yu
Attorneys for Defendant
LENDINGTREE, LLC

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